

City of Miami Beach - Special City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
September 18, 2003

Mayor David Dermer
 Vice-Mayor Matti Herrera Bower
 Commissioner Simon Cruz
 Commissioner Luis R. Garcia, Jr.
 Commissioner Saul Gross
 Commissioner Jose Smith
 Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
 City Attorney Murray H. Dubbin
 City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney

- C7A Adopt Budget & Approp. Funds – Police Special Revenue Acc. FY 03/04 - \$38,600.1
- C7B Adopt Budget & Approp. Funds – Police Training Trust Fund FY 03/04 - \$31,0006
- C7C Adopt & Approp. Funds – Police Confiscation Trust Fund Budget FY 03/04 - \$327,513.11

- R5A **5:01 p.m. 2nd Rdg**, Amend Code, "Permit Fees," & "Fee Schedule."
- R5B **5:01 p.m. 2nd Rdg**, Amend Code, "Plans, Exam., Inspections, Permits," & "Fee Schedule."
- R5C **5:01 p.m. 2nd Rdg**, Amend Code, "Schedule of Water Rates & Tapping Charges."
- R5D **5:01 p.m. 2nd Rdg**, Amend Ordinance 1605, City Attorney's Office Unclassified Employees Salary.
- R5E **1st Rdg**, Amend Code "Taxation," "Occupational License Tax."

- R7A1 **5:01 p.m. 2nd Rdg**, Adopt Final Ad Valorem Millage Rate & Debt Service Millage Rate, FY 03/04.
- R7A2 **5:01 p.m. 2nd Rdg**, Adopt FY 03/04 Budgets, Gen./Enterprise & Internal Service Funds.
- R7B1 **5:02 p.m. 2nd Rdg**, Adopt Millage Rate, Normandy Shores Local Govt. for FY 2003/04.
- R7B2 **5:02 p.m. 2nd Rdg**, Adopt Operating Budget, Normandy Shores Local Government.
- R7C Adopt Budgets-Special Revenue Funds for Resort Tax for FY 03/04, Parks & Rec./Log Cabin etc.99
- R7D Adopt & Approve MBVCA Budget for FY 03/04 - \$1,025,088.110
- R7E Adopt CMB & MBRDA Capital Budget for FY 03/04 & Capital Improvement Project, FY 04/08.117
- R7F Approve the Cultural Arts Council's Budget for FY 03/04 - \$893,388.134
- R7G Award the Cultural Arts Council Grants for FY 03/04 - \$500,750.00.139
- R7H Authorize Transfer of \$1.1M from Parking Enterprise to FY 03/04 Electrowave Operating Budget. 150
- R7I Adopt Operating Budget for FY 03/04 for the Electrowave Shuttle Service - \$2,336,000.157
- R7J Execute Management Agmt w/ MBTMA for its Administration & Operation for FY 03/04. **5/7170**
- R7K Execute Prof. Service Agmt w/ MBTMA for TDM Services for FY 03/04 - \$50,000.203
- R7L Settlement Re: Liens - 1433 Collins Avenue for \$5,000.00.

- 3A Adopt & Appropriate Operating & Capital Budget for FY 03/04 for So/ Pointe & City Center RDA.
- 3B Approp. Funds for City Center & So. Pointe/RDA Infrastructure Improvements - \$4,275,438.

Meeting called to order at 5:14:46 p.m.

Times based on the digital recording in the T.V. Control Room..

Supplemental Materials : R5B (Ordinance)

Addendum Items: R5E, R7L

ACTION: Motion made by Commissioner Cruz to add, by 5/7 vote, items R5E and R7L as emergency items to the agenda; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Bower to approve the Consent Agenda; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia.

Mayor Dermer announced the passing of Commissioner Garcia's wife, Alicia, and expressed his sympathy on behalf of his colleagues.

C7 - Resolutions

C7A Resolution Adopting The Budget And Appropriating Funds For The Police Special Revenue Account For Fiscal Year 2003/04, In The Amount Of \$38,600, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.

(Police Department)

ACTION: Resolution No. 2003-25342 adopted. Patricia Walker to appropriate the funds. Chief De Lucca to handle.

C7B A Resolution Adopting And Appropriating Funds For The Police Training Trust Fund Budget For Fiscal Year 2003/04 In The Amount Of \$31,000.

(Police Department)

ACTION: Resolution No. 2003-25343 adopted. Patricia Walker to appropriate the funds. Chief De Lucca to handle.

C7C A Resolution Adopting And Appropriating Funds For The Police Confiscation Trust Fund Budget For Fiscal Year 2003/04 In The Amount Of \$327,513 To Be Funded From The Proceeds Of State (\$59,500) And Federal Justice (\$268,013) Confiscated Funds.

(Police Department)

ACTION: Resolution No. 2003-25344 adopted. Patricia Walker to appropriate the funds. Chief De Lucca to handle.

REGULAR AGENDA

R5 - Ordinances

5:15:20 p.m.

R5A An Ordinance Amending Chapter 14 Of The City Of Miami Beach Code By Amending Division 2 Thereof Entitled "Permit Fees," And By Amending Appendix A Entitled "Fee Schedule," By Amending Sections 14-61 Through 14-70 Entitled "Division 2. Permit Fees," Providing For An Increase In Permit And Inspection Fees Effective October 1, 2003 For Building, Plumbing, Electrical And Mechanical Work And For Other Building Department Activities; Providing For Repealer, Severability, Codification And An Effective Date. **5:01 P.M. Second Reading, Public Hearing.**

(Building Department)

(First Reading On July 2, 2003)

(Open And Continued On September 10, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3425 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. Phil Azan to handle.

Deede Weithorn, Chairperson, Budget Advisory Committee, spoke and asked the City Manager if it is true that to balance this budget funds were used from projects that are late. The Manager responded that it is correct.

Commissioner Cruz thanked the Administration because the Fire Marshall and Chief Jordan met with him and he is happy with the progress being made in the Fire Department.

Handout or reference materials:

1. Notice of Ad in Miami Herald

5:20:34 p.m.

Supplemental Material: Ordinance

R5B An Ordinance Amending Chapter 50 Of The City Of Miami Beach Code By Amending Section 50-3 Thereof Entitled "Plans Examination, Inspections, Permits", And By Amending Appendix A Entitled "Fee Schedule", By Amending Sections 50-3(b) Through 50-3(n) Entitled "Chapter 50: Fire Prevention And Protection", Providing For An Increase In Permit And Inspection Fees For Fire Permits And For Other Fire Department Activities; Providing For Repealer, Severability, Codification, And An Effective Date. (Page) **5:01 P.M. Second Reading, Public Hearing.**

(Fire Department)

(First Reading On September 4, 2003)

(Ordinance To Be Submitted)

ACTION: Public Hearing held. **Ordinance Number 2003-3426 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Ballot vote 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. Chief Jordan to handle. Jorge Gonzalez, City Manager, amended the Ordinance as follows:

Amendment:**Section 50-3(r) Plan Review fee for fire alarms systems:**

<u>Smoke detector, each</u>	<u>3.00</u>	1.00
<u>Speaker or horn, each</u>	<u>3.00</u>	1.00
<u>Strobe, each</u>	<u>3.00</u>	1.00
<u>Bell alarm</u>	<u>3.00</u>	1.00
<u>Pull station, each</u>	<u>3.00</u>	1.00

Amendment accepted by Commissioner Steinberg,

Handout or reference materials:

1. Notice of Ad in Miami Herald

5:23:03 p.m.

R5C An Ordinance Amending Appendix A To Section 110-166(a) Entitled "Schedule Of Water Rates And Tapping Charges" Of Division 2. Entitled "Rates, Fees and Charges," Of Chapter 110 Of The Miami Beach City Code Entitled "Utilities" In Order To Increase Minimum Monthly Service Charge Imposed By The City; Adjusting The Schedule Of Rates For The Minimum Monthly Water Service Charge; And Increasing The Sanitary Sewer Service Charge Imposed By The City; Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 P.M. Second Reading, Public Hearing.**

(Public Works)

(First Reading On September 4, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3427 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. Fred Beckmann to handle.

Commissioner Smith asked if Miami-Dade County approved the increase on this item and Patricia Walker stated that it was approved.

Commissioner Smith informed the Commission that he circulated a "Letter to the Editor" published in The Miami Herald, written by the Director of the Miami-Dade Water and Sewers, explaining why Miami-Dade County is increasing this fee, and it has to do with federal regulations.

Commissioner Gross asked for the fund balance in this account.

Patricia Walker, Chief Financial Officer, stated that the balance in the Water and Sewers Fund, which is an Enterprise Fund, has a net asset balance of \$74,184,000 as of September 30, 2003.

Commissioner Gross asked what the cash balance is.

Patricia Walker, Chief Financial Officer, stated that the unrestricted cash balance as of September 30, 2002 was \$1,784,000 with restricted cash, which is basically bond proceeds, of \$72,149,000.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Miami Herald article dated September 16, 2003, titled: Miami-Dade Water and Sewer Department - Improvements force rate increase.

5:29:46 p.m.

R5D An Ordinance Amending Ordinance No. 1605 As Amended, Being The Unclassified Employees Salary Ordinance; By Amending The Titles Of The Classifications Of First Assistant City Attorney To Assistant City Attorney And Assistant City Attorney II To Assistant City Attorney (II); Abolishing The Titles Of The Classifications Of Assistant City Attorney I And Senior Assistant City Attorney; Correcting The Public Record By Deleting Certain Lines; And Providing For Repealer, Severability, Effective Date, And Codification. **5:01 P.M. Second Reading, Public Hearing.**

(City Attorney's Office)

(First Reading On July 30, 2003)

(Open And Continued On September 10, 2003)

(Ordinance To Be Submitted)

ACTION: Public Hearing Opened and Continued to October 15, 2003 at 11:30 a.m. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Liliam Hatfield to place on the Agenda. Legal Department to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

6:06:02 p.m.

ADDENDUM ITEM:

R5E An Ordinance Amending Chapter 102 Of The City Code, Entitled "Taxation"; Amending Division IV Therein, Entitled "Tax"; Amending Article V Therein, Entitled "Occupational License Tax"; Amending Section 102-379 Therein, Entitled "Schedule Of Taxes"; Said Amendment Repeals The Five Percent (5%) Increase On Beachfront Concession Operations (A) Per Activity Per Location And Beach Upland Fee (Per Unit) Approved On Ordinance 2003-3413; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(Finance Department)

(Item Summary, Commission Memo & Ordinance)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Ballot vote: 6-0; Absent: Commissioner Garcia. Second reading and Public Hearing scheduled for October 15, 2003 at 11:45 a.m. R. Parcher to notice. Liliam Hatfield to place on the Commission Agenda. Fred Beckmann to handle.

Patricia Walker, Chief Financial Officer, stated that the Finance Department sent a letter to all the beach

concessionaires notifying them of this item presented for approval today, and that the second reading is scheduled for October 15, 2003 and that they will be given 30 days after October 15th, if approved, to pay the adjusted fee.

R7 - Resolutions

5:30:43 p.m.

R7A1 A Resolution Adopting: 1) The Final Ad Valorem Millage Of 7.299 Mills For General Operating Purposes, Which Is Eleven And Eight Tenths (11.8%) Greater Than The "Rolled-Back" Rate Of 6.527 Mills; And 2) The Debt Service Millage Rate Of 0.874 Mills. **5:01 P.M. Second Reading, Public Hearing.**

(Finance Department)

(First Reading On September 4, 2003)

ACTION: Pubic Hearing held. **Resolution No. 2003-25345 adopted.** Motion made by Commissioner Steinberg seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

5:30:43 p.m.

R7A2 A Resolution Adopting Final Operating Budgets For The General Fund, G.O. Debt Service, RDA Funds-Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2003/04. **5:01 P.M. Second Reading, Public Hearing.**

(Finance Department)

(First Reading On September 4, 2003)

ACTION: Pubic Hearing held. **Resolution No. 2003-25346 adopted as amended by the Finance and Citywide Projects Committee .** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 5-1: Opposed Commissioner Gross; Absent: Commissioner Garcia. Patricia Walker to handle.

Patricia Walker, Chief Financial Officer, explained the amendments made at the Finance Committee meeting of September 16, 2003 : 1) Beach Patrol funding levels which were reduced by \$349,000 in the proposed Fiscal Year 2004 budget have been restored, with \$300,000 restored from delays capitalized from the North Shore Youth Center and the Normandie Pool, 2) Funding of one additional lifeguard stand at 42nd Street, within Operating Fiscal Year 2004 budget has been accomplished; 3) Funding was restored from \$20,000 to \$25,000 for the Miami Beach Chamber Visitor Information Center, 4) Increase Miami Design Preservation League to \$25,000, 5) Restore the Sister Cities funding from \$15,000 o \$16,000, and 6) Restore the position of Office Associate V in the City Clerk's Office dealing with proclamations, 5) \$150,000 added to the homeless budget, with an increase from \$95,000 to \$245,000; the Committee asked that the City spends these funds aggressively, by pursuing assistance for the homeless, and by doing an RFQ for homeless assistance bed providers to have a pool of multiple providers available and come back to the Finance Committee within three months to submit a report with detailed analysis and statistical data regarding efforts and monies spent and in regards to its success.

Commissioner Gross is concerned in reference to the City Attorney's Office Budget, he objects to allocating the salary of one vacant position to the employees in the department.

Commissioner Smith stated that it is important to recognize that the Committee looks at merit and performance,

work load and other factors, including other municipalities in comparison. He added that the budget for the City Attorney's Department is not rubber stamped, it is very closely reviewed.

Commissioner Gross asked what the proper forum to address individual allocations is. He added that he is not opposed to the total allocation.

Commissioner Cruz explained that the City Commission is not allowed to approve allocation, but only review the total amount. He asked, based on the ordinance, if the Commission is allowed to look at the allocation.

Murray Dubbin, City Attorney, stated that the ordinance does not specify if it is advisory or compulsory, but it states that the City Commission cannot approve the budget until it is approved by the Oversight Committee. Under the Code, discussion takes place in the Committee. He added that the Legal Department is the only department singled out subjected to the scrutiny of the Oversight Committee. A meeting was held and the Committee approved the budget. Monies were redistributed and lost; salaries set are based on his best judgment as a City Attorney in order to provide the City with the best legal service in-house.

Commissioner Cruz asked who appoints the members of the Oversight Committee.

Mayor Dermer stated that he appoints the members.

Motion made by Commissioner Gross to reconsider. No second offered.

Commissioner Gross added, for the record, that the allocation of the increases in salaries for the City Attorney's Office are disproportionate to other City departments and he feels are inappropriate and voted against it.

Commissioner Cruz explained that he feels the salaries are out of line and agrees with Commissioner Gross, but trusts the City Attorney's judgment.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Memorandum from Commissioner Jose Smith, Chairman of the Commission Committee for Oversight of the City Attorney's Office, dated September 16, 2003, RE: City Attorney's Office Proposed Salaries 2003/2004

5:32:35 p.m.

R7B1 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Ad Valorem Millage Rate Of 1.123 Mills For Fiscal Year 2003/04 For The Normandy Shores Local Government Neighborhood Improvement District, Which Is Four And Six Tenths Percent (4.6%) Greater Than The "Rolled-Back" Rate Of 1.074 Mills.

5:02 P.M. Second Reading, Public Hearing.

(Finance Department)

(First Reading On September 4, 2003)

ACTION: Pubic Hearing held. **Resolution No. 2003-25347 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to handle.

Jorge Gonzalez, City Manager, stated that this ordinance is presented as amended by the Finance and Citywide Project Committee.

Handout or reference materials:

6:04:25 p.m.

- R7B2 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Operating Budget For Fiscal Year 2003/04.

5:02 P.M. Second Reading, Public Hearing.

(Finance Department)

(First Reading On September 4, 2003)

ACTION: Pubic Hearing held. **Resolution No. 2003-25348 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to handle.

- R7C A Resolution Adopting Fiscal Year 2003-04 Budgets For Special Revenue Funds For Resort Tax; Parks And Recreation; Log Cabin Training Center Operations; Homeless Street Cleaning Program; 7th Street Garage Operations; And The Bass Museum.

(Finance Department)

ACTION: Resolution No. 2003-25349 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to handle.

- R7D A Resolution Adopting And Approving The Miami Beach Visitor And Convention Authority (VCA)Fiscal Year 2003/2004 Budget In The Amount Of \$1,025,088.

(Finance Department)

ACTION: Resolution No. 2003-25350 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to handle.

- R7E A Resolution Adopting The City Of Miami Beach And Miami Beach Redevelopment Agency Capital Budget For Fiscal Year 2003-2004 And The Capital Improvement Plan For Fiscal Years 2004-2008.

(Finance Department)

ACTION: Resolution No. 2003-25351 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to handle.

- R7F A Resolution Approving The Miami Beach Cultural Arts Council's Fiscal Year 2003-2004 Budget, In The Amount Of \$893,388.

(Tourism And Cultural Development)

ACTION: Resolution No. 2003-25352 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Donna Shaw to handle.

6:13:15 p.m.

- R7G A Resolution Approving And Accepting The City Manager's Recommendations, And Awarding \$500,750.00 In Cultural Arts Council (CAC) Grants, For Fiscal Year 2003/2004, As Identified In The Attached Exhibit "A"; And Further Authorizing The City Manager To Approve The Cultural Arts Council's Funding Recommendations For

The Remaining Balance Of \$10,750.00; And Further Authorizing The Mayor And City Clerk To Execute Said Grant Agreements; And Making The Award Of Said Grants Subject To And Contingent Upon The Approval Of The CAC's Budget For Fiscal Year 2003/2004.

(Tourism And Cultural Development)

ACTION: Resolution No. 2003-25353 adopted. Motion made by Commissioner Steinberg to approve the Administration's recommendations; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Donna Shaw to handle.

Jorge Gonzalez, City Manager, stated that the City Commission received the Administration's recommendation and the Cultural Arts Council (CAC) recommendation relative to their grant award process. In that process, there was a change from the grant panel recommendation to when the CAC took over and looked at the entire process and amended an award to the Concert Association and reduce several other applicant awards by \$1,000 each. He explained that there were awards made in the prior year that were not expended and he is recommending to take those awards and reallocate them in the current year; award the Concert Association \$20,000 instead of \$24,000 as recommended by CAC, which is the maximum in that category allocated. The unspent money, reduced by the \$24,000, is about \$11,000, and the recommendation is to return funds to the CAC to reallocate as they think is appropriate.

Vice-Mayor Bower requested that the process be reviewed and looked at in regards to how it is handled, to avoid this from happening again.

Donna Shaw, Tourism & Cultural Department Director, explained that the process involves a review by 22 independent panelists in four categories; subsequently it goes to a CAC Review Grant Special Committee, newly formed, and then to a review by the entire CAC Committee. The fourth process is the City Manager's recommendation to the City Commission.

Ada Llerandi, member of the CAC, spoke.

Jorge Gonzalez, City Manager, stated that grants are awarded to entities or individuals with the proper licenses and are in compliance with all City, State and Federal requirements.

Donna Shaw, Tourism & Cultural Department Director, explained that the contracts have been looked over by Legal and requirements for compliance are in place. The department may recommend looking into taking that a step further.

6:25:03 p.m.

R7H A Resolution Authorizing The Appropriation And Transfer Of \$1.1 Million From Parking Enterprise Retained Earnings To The FY 2003-04 Electrowave Operating Budget; Subject To The Determination That The Parking Enterprise Fund Has Met All Debt Covenants For Fiscal Year 2002-03.
(Public Works)

ACTION: Resolution No. 2003-25354 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 5-1; Opposed: Commissioner Steinberg; Absent: Commissioner Garcia. Fred Beckmann to handle.

Commissioner Steinberg asked about the concurrency issues and the fact that the consultant stated that if the Electrowave was operating at peak capacity, there should be about 3,000 riders a day, but the credits given to it and the strain on the road system is actually about 41,000 trips a day. He is concerned with 41,000 additional trips on roads which are already overcrowded.

Jorge Gonzalez, City Manager, explained that the Electrowave is included in the overall concurrency discussion and reviewed by the Concurrency Management Committee. He added that there is a joint meeting of the Concurrency Management Committee and the Planning Board scheduled for September 30, 2003, to continue the discussion and decide if the City wants to keep a concurrency system or try a different system; and to see if the City wants to take advantage of the credits provided both by the Electrowave and the Transportation Concurrency Management Areas (TCMAs), or if the City wants to forego of those credits. This is an important dialogue to have.

Commissioner Cruz asked what concurrency credits the City is receiving and what does that allow.

Jorge Gonzalez, City Manager, stated that the City is receiving a 30% increase in addition to 20% from Metro-Dade Transit based on vehicle trips.

Commissioner Cruz stated that this action will only clutter the streets more by adding more trips and the people are not riding. They are still using cars. He added that the City has a decision to make in terms of the quality of life.

Jorge Gonzalez, City Manager, stated that there are consequences associated with not taking the credits, because it is not just about new buildings, but also renovations, new businesses and changes in business and the City Commission needs to be very careful about that.

Commissioner Steinberg stated that seven months later and the Commission is having the same discussion and nothing is happening. The City is being asked to fund a project that allows overdevelopment because the roads cannot sustain the traffic. He added that this is irresponsible and that the credits given to the Electrowave originally were too generous. He further stated that this is why there are intersections, such as 17th St. and Alton Road, that are at service level F and getting worse, because development is still allowed. He does not feel right voting for this item because seven months ago the Commission was told that the Administration will get the "ball rolling" and now they are being told that this may be discussed at a future meeting. He asked where the concurrency issue has been discussed, as it relates to the Electrowave.

Commissioner Gross explained that he has been advocating a different system, which is a major impact analysis for major projects, regardless of trips with a different level of scrutiny because of the taxing on the infrastructure from large projects. To negate a project that will add one trip, it is not in the City's best interest. He explained that the State of Florida in the Concurrency Statute has special exemptions for historic renovation projects and other projects in urban areas.

Jorge Gonzalez, City Manager, explained that the State of Florida has exemptions for the whole urban area and maybe concurrency is not the tool to do exactly what needs to be done and it is a bigger discussion than the Electrowave.

Commissioner Steinberg asked if this issue of the Electrowave and the credits will be discussed at the joint meeting of the Concurrency Management Committee and the Planning Board and if it is on the agenda.

Jorge Gonzalez, City Manager, stated that it could be placed on the agenda, but his understanding of what the Concurrency Management Committee and the Planning Board had asked for is to have a broader discussion about concurrency and work their way down to the specific issues.

Commissioner Steinberg reiterated that it has been seven months, and stated that it would be prudent to add this item to the agenda.

Jorge Gonzalez, City Manager, explained that his concern is that at the end of this process, the City may end up with something that is not concurrency; and then the discussion becomes irrelevant because the Commission is not taking credits for the Electrowave and instead is providing Electrowave as a transit

service and it is neither helping nor hindering development, it is a service, and the decision is what to do with the Electrowave as a transit service, not as a development mechanism. He further stated that the item of the Electrowave will be added to the agenda for the joint meeting. **Fred Beckmann and Jorge Gomez to handle.**

6:38:25 p.m.

R7I A Resolution Adopting The Fiscal Year 2003-04 Operating Budget For The Electrowave Shuttle Service, In The Amount Of \$2,336,000; And Appropriating A Funding Packet Which Includes \$400,000 In 2003 County Transit Surtax Funds; Florida Department Of Transportation (FDOT) Service Development Program Funds, Respectively At \$165,000 In FY 2002-03 Carry-Over Funds, And \$65,000 In New FY 2003-04 FDOT Funds For Washington Route Service Enhancement; \$443,800 In Concurrency Mitigation Funds -South Beach; \$84,200 In Insurance Proceeds; \$78,000 In Projected Fare Collection Revenues; And \$1,100,000 In FY 2002-03 Parking Enterprise Retained Earnings, Subject To Approval On September 18, 2003.
(Public Works)

ACTION: Resolution No. 2003-25355 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Commissioner Gross asked if the automatic counters were installed to monitor the amount of ridership.

Judy Evans, Executive Director of MBTMA, stated that there has to be an RFP issued in order to purchase the auto counters.

Jorge Gonzalez, City Manager, explained that he was not aware that the automatic counters were part of the bus purchase; otherwise, this would have been expedited.

Commissioner Gross informed the public that there is a contest to rename the Electrowave and he encourages everyone to suggest ideas. He added that Commissioner Garcia is in favor of repainting the buses with a uniform color and the sign "transit," but he prefers the individual artist design, which make the shuttles very "South Beach." He suggested that color coded maps be placed at each of the stations, to help people know where to catch them.

Commissioner Cruz stated that he has been riding the Electrowave and stated that the systems are very clean and the drivers are well trained, but it needs to run a lot smoother.

6:43:45 p.m.

R7J A Resolution, Waiving By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City And Approving And Authorizing The Mayor And City Clerk To Execute A Management Agreement Between The City And The Miami Beach Transportation Management Association (MBTMA), In The Amount Of \$165,000, For The Performance Of General Management Services For Operations And Administration Of The Electrowave Shuttle Project For Fiscal Year 2003-04; Authorizing The Advancement Of The Adopted Fiscal Year 2003-04 Electrowave Operating Budget, In The Amount Of \$2,336,000, To MBTMA, On A Quarterly Basis; Providing For The Filing Of Quarterly Financial And Administrative Reports And Annual Audits; And Further Providing For The Return Of All Unused Funds To The City, At The Closing Of Fiscal Year 2003-04 Contract Year.
(Public Works)

ACTION: Resolution No. 2003-25356 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Garcia. Fred Beckmann to handle.

- R7K A Resolution Authorizing The Mayor And City Clerk To Execute Professional Services Agreement With The Miami Beach Transportation Management Association (MBTMA), In The Amount Of \$50,000, To Provide Transportation Demand Management (TDM) Services To Miami Beach; And Authorizing A Lump -Sum Payment, As Seed Funding, Utilizing Funds Available In The FY 2003-04 Parking Enterprise Professional Services Account.

(Public Works)

ACTION: Resolution No. 2003-25357 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 5-1; Opposed Commissioner Steinberg; Absent: Commissioner Garcia. Fred Beckmann to handle.

6:09:05 p.m.

ADDENDUM ITEM:

- R7L A Resolution Approving A Settlement Regarding Liens On Real Property At 1433 Collins Avenue Owned By "The Beginning L.C." Providing That Liens In The Amounts Of \$145,851.00 Be Settled For The Amount Of \$5,000.00.

(Neighborhood Services Department)

(Item Summary, Commission Memo & Ordinance)

ACTION: Resolution No. 2003-25358 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Vivian Guzman to handle.

End of Regular Agenda

**Miami Beach Redevelopment Agency- Special Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
September 18, 2003**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

3. NEW BUSINESS

A. A Resolution Adopting And Appropriating The Operating And Capital Budgets For The South Pointe And City Center Redevelopment Areas For Fiscal Years 2003/04.

ACTION: Resolution No. 459-2003 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to appropriate the funds. Christina Cuervo handle.

B. A Resolution Appropriating \$4,275,438 In City Center Trust Fund Revenues Toward Water, Sewer, Storm Water, Streetscape And Related Infrastructure Improvements In The City Center And South Point Redevelopment Areas, As Well As To Fund Program Management Fees And Construction Management Fees Associated With Said Improvements.

ACTION: Resolution No.460-2003 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to appropriate the funds. Christina Cuervo handle.

Mayor Dermer wished the City Manager a "Happy Birthday." He thanked everyone and stated that the entire Commission appreciates the hard work done every year in preparing the budget. He also thanked the Budget Advisory Committee, Patricia Walker and the entire staff.

Jorge Gonzalez, City Manager recognized the following individuals for the efforts and hard work in preparing this year's budget: Patricia Walker, Jose Cruz, Carmen Carlson, William Gonzalez, Joe

Reilly and Sailyn Arce in the Budget Office, Georgie Echert, Ramon Duenas and Manny Marques in the Finance Department, all of the members of the Finance Department, the Assistant City Managers; Christina Cuervo, Mayra Buttacavoli, Bob Middaugh, all the Department Directors and Division Chiefs who are here anxiously awaiting the approval of the budget, and all the staff that works, not only on the budget, but who work here in the City everyday. He stated that the City has a highly competent and motivated workforce and the City should be proud of that. He also thanked the Budget Advisory Committee and the City Commission for the countless hours dedicated to reviewing and approving this budget and he appreciates the confidence the Commission gives him.

Joe McMannus thanked the Mayor and Commissioners as well as the City Manager. He took time to send his condolences and sympathies to Commissioner Garcia, on behalf of the lifeguards, on the loss of his wife.

Jorge Gonzalez, City Manager, explained that for the first time ever in the City the Government Finance Officers Association designated this budget process and budget book as a "Distinguished Budget Award" (Page 3), and he is very proud, because he challenged the Budget Department to go after this award, not just for the award, but for what it requires. He stated that in the budget presentation, in comparison to how it used to be, there is enough information to educate not only the Commission but the general public as to what the plan for the organization is for the following year. He acknowledged the Budget Department for receiving this award and explained that this is an annual review, and a peer review, as other budget directors scrutinize the budgets presented, and commend the department for this achievement.

Meeting adjourned 6:52:53 p.m.

End of RDA Agenda